



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE August 1, 2014 EFFECTIVE DATE August 15, 2014	CONTACT/PHONE Airlin M. Singewald (805) 781-5198 asingewald@co.slo.ca.us	APPLICANT Biddle Ranch Vineyards, LLC	FILE NO. DRC2013-00068
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SUBJECT

Request by Biddle Ranch Vineyards, LLC for a Minor Use Permit to allow for the construction of a new 4,750 square-foot winery facility and tasting room in two phases. Wine production is estimated at 10,000 cases annually with a maximum case production limit of up to 15,000 cases annually. The applicant is also requesting a limited special event program that includes six annual events with no more than 80 attendees each, in addition to events (industry-wide events) that are exempt from permit requirements. The events will occur inside the winery structure and adjacent to the winery. The proposed project (both phases) will result in the disturbance of approximately 30,000 square feet on a 21-acre parcel. The Land Use Ordinance requires a 200' setback from all property lines for structures that house a public tasting room. The applicant is requesting to reduce this setback to 161' in order to minimize the removal of vines. The proposed project is within the Agriculture land use category and is located at 2060 Biddle Ranch Road, on the northeast portion of the intersection of Biddle Ranch Road and Highway 227, approximately two miles south of the southerly San Luis Obispo city-limit. The site is in the San Luis Obispo (south) sub-area of the rural South County planning area.

RECOMMENDED ACTION

1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.
2. Approve Minor Use Permit DRC2013-00068 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.

ENVIRONMENTAL DETERMINATION

The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on June 19, 2014 for this project. Mitigation measures are proposed to address aesthetics, agricultural resources, public services/utilities, and water/hydrology.

LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Airport Review	ASSESSOR PARCEL NUMBER 044-381-022	SUPERVISOR DISTRICT(S) 3
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PLANNING AREA STANDARDS:

22.108.020 – Areawide Standards, 22.108.030 – Combining Designations (Airport Review Area)

LAND USE ORDINANCE STANDARDS:

Section 22.30.070 Agricultural Processing Uses, Section 22.62.050 Minor Use Permit Approval, Section 22.10.140 Setbacks, Section 22.10.090 Heights, Chapter 22.18 Parking and loading, Section 22.04.190 Fencing and Screening, Chapter 22.20 Sign Ordinance, Section 22.10.180 Water quality, Section 22.10.120 Noise Standards

Does the project conform to the Land Use Ordinance standards? : Yes - see discussion

FINAL ACTION

This tentative decision will become final action on the project, effective on the 15th day following the administrative hearing, or on August 15, 2014, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:
COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242

EXISTING USES: Single-family residence, agricultural accessory structures, vineyards	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture / single-family residence(s), vineyards <i>South:</i> Agriculture / single-family residence(s), vineyards <i>East:</i> Agriculture / single-family residence(s), vineyards <i>West:</i> Residential Suburban / single-family residence(s), Los Ranchos Elementary School	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, General Services (Airport Manager), Agricultural Commissioner, APCD, Building Division, Cal Fire, Cal Trans, City of San Luis Obispo, and Regional Water Quality Control Board.	
TOPOGRAPHY: Nearly level	VEGETATION: Vineyards, riparian, ornamental landscaping
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CAL FIRE	ACCEPTANCE DATE: March 27, 2014

PROJECT SITE

The proposed project is located on a 21-acre parcel, at the northeast corner of the Biddle Ranch Road and Highway 227 intersection, approximately 2 miles south of the southerly San Luis Obispo city-limit. The property is relatively flat and is planted with approximately 15 acres of grape vines. A tributary to Davenport Creek, consisting of riparian vegetation and an oak tree grove, crosses the northern portion of the parcel. The parcel is developed with a single family home, barn, and detached garage/shop, all clustered in a 1.5-acre building envelope at the southeast corner of the parcel. These existing structures are surrounded by eucalyptus trees and other vegetation. Another barn is located adjacent to the grove of oak trees on the northern portion of the parcel.

PROJECT DESCRIPTION

The project proposes the phased construction of an approximately 4,750 square-foot winery facility and limited special events program within an approximately 2-acre building envelope at the southeast corner of the parcel. The project includes the following elements:

- Phase 1: Construction of a 1,350 square-foot single story winery and tasting room with a 1,400 square-foot outdoor processing area and four 18' tall outdoor vats, and a 400 square-foot detached restroom building.
- Phase 2: Construction of a 3,000 square-foot two story barrel storage building and offices to replace the existing barn adjacent to Biddle Ranch Road. The iconic barn on the northerly half of the property is not part of the project.
- A limited special events program consisting of six annual events with no more than 80 attendees each in addition to those events currently allowed by the County Land Use Ordinance. The events would occur inside the winery structure and adjacent to the winery. The site plan identifies overflow parking and proposed improvements to an existing agricultural road that will serve as secondary access.
- Initial proposed case production would be for up to 10,000 cases annually with maximum case production of up to 15,000 cases annually.

- The applicant requests a waiver of the minimum 200 foot setback to property line requirement to allow 161 feet (eastern side setback).

LAND USE ORDINANCE STANDARDS

The project is subject to Land Use Ordinance section 22.30.070D(2) – Agricultural Processing Facilities, Wineries. Section 22.30.070 sets forth standards for winery development including but not limited to access, setbacks, parking, design, screening, height, lighting and tasting rooms.

<u>Standard</u>	<u>Allowed/Required</u>	<u>Proposed</u>
Minimum Site Area	20 acres	21 acres
Access location	Wineries with tasting room, retail sales, special events located on or within 1 mile of arterial or collector	Project is located adjacent to Highway 227, an arterial
Setbacks from property lines: Front, Side, Rear	Winery with public tasting – 200 feet	Front: >200 feet East Side: 161 feet (OK w/ waiver – see below) West Side: >200 feet Rear: >200 feet
Setbacks from residences outside of the ownership of the applicant.	400 feet	~500 feet
Height	35 feet	25 feet and 6 inches
Parking - Winery 1 per 2,000 sf active 1 per 5,000 sf of storage 1 per 200 sf of tasting	$2,500 / 2,000 = 1.25$ $1,650 / 5,000 = 0.33$ $600 / 200 = 3$ Total Required = 4.58 (5)	8
Special Event Parking Section 22.30.610.D.2.	80 people maximum / 2 people per car (80/2) = 40 parking spaces, 1 car = 400 sf, 40 x 400 = 16,000 sf	Ample room located on site for overflow parking
Signage Section 22.20.060.C.5.	Maximum of 100 sf of signing; one free standing sign with for each 300 linear ft.	No signs proposed at this time

Section 22.30.070(D)(2)(d)(1) – Setback Waiver Request

This section states that, where a winery has public tours, tasting and retail sales, or special events, the setback shall be 200 feet from each property line and no closer than 400 feet to any existing residence outside the ownership of the applicant. The applicant requests a waiver of the minimum 200 foot setback to property line requirement to allow 161 feet (eastern side setback).

These setbacks can be modified through Minor Use Permit approval when a Conditional Use Permit is not otherwise required. Approval may be granted only after the Review Authority first determines that the request satisfies any of the following findings: (1) there is no feasible way to meet the required setbacks without creating environmental impacts or impacting prime agricultural land (SCS Class I, II and III); (2) the property fronts an arterial or collector street; (3) the setbacks are not practical or feasible due to existing topographic conditions or existing on-site vegetation or (4) is a legally constructed existing structure that was built prior to 1980 and it can be clearly demonstrated that the structure was intended for a legitimate agricultural or residential use.

The requested setback waiver complies with this section because it would minimize impacts on Class I soils and the removal of grape vines. As proposed, the project would remove approximately 12,000 square feet (0.27-acre) of vines (which would be transplanted onsite to the north). According to the applicant, another 15,000 square feet (0.34-acre) of vines would have to be removed to accommodate a 200' setback from the eastern property line.

Section 22.30.070(D)(2)(g)(2) – Screening

This section states that any portion of winery structures that are visible from public roads shall be screened where necessary to ensure the rural character of the area is unchanged unless screening is not practical, feasible or necessary due to existing topographic conditions or existing on-site vegetation (including vineyards). The screening may include such measures as landscape or existing vegetative screening, existing topography, and/or arrangement of the structures on the site to minimize bulky appearance. Any tank located outside of structures shall be screened 100 percent from public roads.

All proposed buildings would be visible from Highway 227 and portions of Biddle Ranch Road. However, since the buildings would be designed consistent with the character of the rural agrarian setting, vegetative screening is not necessary. The building exteriors would be constructed with corrugated and standing seam metal roofs as well as board and batten siding. Both buildings would incorporate agrarian and rural residential architectural elements such as barn doors and a wraparound covered porch consistent with the agrarian character of Edna Valley. Vineyards will filter views from Highway 227 and existing frontage vegetation screens views from Biddle Ranch Road.

The four proposed 18' tall vats would also be visible from Highway 227. The Land Use Ordinance requires outdoor tanks associated with proposed wineries to be screened 100 percent from public roads. In accordance with this requirement, the applicant will be required to submit a landscape plan showing sufficient vegetation to screen 100 percent of the outdoor vats as viewed from Highway 227 and Biddle Ranch Road.

PLANNING AREA STANDARDS

22.108.020 – Areawide Standards

The applicable standard is referral of the application to the City of San Luis Obispo. Project Manager Airlin Singewald attended a meeting with staff from the City of San Luis Obispo's Community Development Department to discuss any concerns with the proposed project. In a referral response, dated May 9, 2014, Senior Planner Phil Dunsmore indicated that the "City finds that the proposed development is in substantial conformance with policies for this region as the use is an allowed use within the Ag zone."

22.108.030 – Combining Designations

Airport Review Area

All projects within the Airport Review Area must be found compliant with standards contained within the Airport Land Use Plan. Based on review of the Airport Land Use Plan Section 5.3 Land Use Compatibility Table: 1) Agricultural processing and Temporary Events within the “less than 55 dB CNEL Airport Noise Exposure contour” are an Allowed land use; and 2) Agricultural Processing within Aviation Safety Area S-1b is Allowed subject to a non-residential density standard of 880 persons (22 gross acres x 40 person per acre).

The proposed project was reviewed and conditionally approved by the Airport Land Use Commission (ALUC) on June 18, 2014. The ALUC’s recommend conditions are included in Exhibit B – Conditions of Approval.

STAFF COMMENTS

There is currently an open code enforcement case (COD2013-00460) on the subject parcel due to the recent construction of an outdoor fireplace and interior garage work without the necessary construction permits. Land Use Ordinance Section 22.01.070(C) states that a land use permit shall not be approved on a parcel where a violation exists unless the application incorporates measures to correct the violation, and the correction shall occur before establishment of the proposed use. In accordance with this section, the project is conditioned to require final building permit inspection on all unpermitted development prior to establishment of the proposed winery and temporary events program.

COMMUNITY ADVISORY GROUP COMMENTS

Project is not located within an area subject to community advisory group review.

AGENCY REVIEW

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| Public Works: | County Public Works initially requested a Traffic Engineers Report to address driveway sight distance. This was due to tall vegetation along the property frontage that would have blocked views for traffic turning on Biddle Ranch Road. However, this vegetation was removed, satisfying Public Works’ concerns. Public Works also suggested that the applicant consult with CalTrans regarding the project’s potential impacts to the intersection at Biddle Ranch Road and State Highway 227. A referral was sent to CalTrans and no response was received. Due to the limited number of trips generated by the project, it’s not expected to significantly impact the intersection. |
| Environmental Health: | An annual permit required for water supply if facility has more than 25 persons on site for 60 days out of the year.
No food, except for crackers, may be served without a health permit. |
| Ag Commissioner: | Recommends water conservation and low impact design (LID) conditions to maximize the availability of water for agricultural production. |
| APCD: | Recommends standard mitigation packages, which are included in Exhibit B – Conditions of Approval. |
| Cal Fire: | See attached fire plan review. |

Cal Trans:	No comments received.
RWQCB	No comments received.
City of San Luis Obispo:	The proposed development is in substantial conformance with policies for this region as the use is an allowed use within the Agriculture zone. The City has no additional comments or suggested conditions.
Airport Manager:	Due to the proximity to the airport and being under the airport approach, an FAA Form 7460-1 will be required. Requires ALUC approval.

LEGAL LOT STATUS

The existing lot was legally created by a deed at a time when that was a legal method of creating lots.

Staff report prepared by Airlin M. Singewald and reviewed by Bill Robeson.

ATTACHMENTS

- 1: Findings
- 2: Conditions of Approval
- 3: Graphics
- 4: Mitigated Negative Declaration